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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, CINDY

ART UNIT PAPER NUMBER

2171

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,520

Applicant(s)

GUPTA ET AL.

Examiner

Cindy Nguyen

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-21 and 26-35 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.                      6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

This is in response to amendment filed 01/09/03.

### *1. Specification*

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.  
  
Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

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- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

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- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The specification is objected to because it has no field of the invention. Correction is requested.

## **2. Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

**3. Claims 1-7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Klatt et al. (U.S. 6415277) (Klatt).**

Regarding claim 1, Klatt disclose: A method for displaying real-time status of product availability (col. 4, lines 10-17, Klatt) comprising:

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automatically querying a database for a plurality of products that are scheduled for production(col. 6, lines 18-20, Klatt) at regular time intervals (col. 6, lines 36-39, Klatt) for a date when each product will be ready for shipment (1103, fig. 11 and corresponding text, Klatt) , and if the date does not exist, skipping that product (908, fig. 9 and corresponding text, Klatt), otherwise;

for each product, counting a number of days between a current date and the date when the product will be ready for shipment to create a number of days before the product is available (col. 12, lines 7-9, Klatt);

displaying a listing of each product and when the product is available for shipment for product availability management (col. 12, lines 10-17, Klatt).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition Klatt disclose: wherein the step of querying also includes querying the database for a number of orders (col. 11, lines 17-20, Klatt), a product category for each order as instruction books (col. 11, line 18, Klatt), and sales revenue for each order (col. 11, lines 55-58, Klatt), and further comprises:

adding the number of orders for each product category to create a sum of the number of orders for each product category (col. 11, lines 16-20, Klatt); and

adding the sales revenue from each order in each product category to create a sum of the total revenue for each product category (col. 14, lines 49-50, Klatt);

displaying the sum of the number of orders for each product category (col. 14, lines 44-46, Klatt); and

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displaying the sum of the total revenue for each product category (col. 14, lines 46-48, Klatt).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Klatt disclose: wherein the displaying step includes displaying the number of days until the product is available for shipment (col. 13, lines 41-47, Klatt).

Regarding claim 4, all the limitations of these claims have been noted in the rejection of claim 1. In addition, Klatt disclose: further comprising creating a plurality of display categories (col. 5, lines 26-31, Klatt), wherein each display category depends on the number of days before the product is available (col. 5, lines 11-12, Klatt).

Regarding claims 5, all the limitations of this claim have been noted in the rejection of claim 4. In addition, Klatt disclose: wherein the plurality of display categories includes:

displaying a first user-defined message if the number of days before the product is available is greater than a user-defined number (col. 4, lines 9-11, Klatt); and

displaying a second user-defined message if the number of days before the product is available is less than a user-defined number (col. 5, lines 11-12, Klatt).

displaying a first user-defined message for each order in the first category (magazine articles) (col. 3, lines 40-43, Klatt);

displaying a second user-defined message for each order in the second category (the like) (col. 3, lines 40-43, Klatt).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claims 5. In addition, Klatt disclose: wherein the first user-defined message is "call for availability" (hold until) and the second user-defined message is "ready for immediate shipment." (ship to) (908, fig. 9 and corresponding text, Klatt).

Regarding claim 7, all the limitations of these claims have been noted in the rejection of claim 1. In addition, Klatt disclose: wherein the step of automatically querying is performed in real-time (col. 6, lines 36-39, Klatt).

**4. New Claim Rejections - 35 USC § 102 (filed 01/09/03)**

**5. Claims 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Klatt et al. (U.S. 6415277) (Klatt).**

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Klatt disclose: wherein displaying when the product is available for shipment is also made available to customers or potential customers (col. 12, lines 1-9, Klatt).

As per claim 23, all the limitations of these claims have been noted in the rejection of claims 1 and 2. It is therefore rejected as set forth above.

As per claim 24, all the limitations of these claims have been noted in the rejection of claim 23. In addition, Klatt disclose: further comprising creating a plurality of display categories, wherein the display categories includes at least one of an updated order status, a product status and a current inventory amount (fig. 11, 12 and 13 and corresponding text, Klatt).



As per claim 25, all the limitations of these claims have been noted in the rejection of claims 23 and 7. It is therefore rejected as set forth above.

**6. Allowable Subject Matter**

Claims 8-21, 26-35 are allowable.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose and/or suggest the following: a computer-readable medium, a method and a system for displaying real-time status of product availability comprising the steps of store and access and update as recited in claims 8, 16, 26 and 30.

Regarding claims 9-15, 17-21 and 27-35, these claims depend from claims 8, 16, 26 and 30 and are therefore allowable.

**7. Response to Arguments (filed 01/09/03)**

At page 10, regarding claim 1, Applicant argues: Klatt doesn't disclose: automatically query a database for a plurality of products that are schedule for production, at the regular time intervals for a date when each product will be ready for shipment and display product information derived from the search. In response, Klatt clearly disclose automatically query a database for a plurality of products that are schedule for production associated with a print production request for new business cards are schedule for delivery at col. 7, lines 44-63; at the regular time intervals for a date when each product will be ready for shipment and display product information derived from the search as a print production request for new business cards are delivered within 3 days (col. 7, lines 47 to col. 8, lines 8, Klatt).

Applicant argues (at page 11): Klatt doesn't disclose: counting a number of days between a current date and a date when the product will be ready for shipment. In response, Klatt clearly disclose counting a number of days between a current date and a date when the product will be ready for shipment as to schedule further action on a particular date, for example if it is determined that on the print job will be completed in two days and result in a certain quantity of paper products at (col. 12, lines 1-17, Klatt).

Regarding claim 2, at page 13, applicant argues: Klatt does not teach querying any database or product categories. In response, the cited passage clearly shows that there is a product category for each order. In particular the print requisitions are looked up in database is associated with the querying database or product categories at col. 13, lines 66 to col. 14, lines 11.

Also, Applicant argues: Klatt does not disclose: sales revenue for each order. In response, Klatt discloses: the sales revenue for each order as the print products were automatically order at col. 11, lines 48 to col. 12, lines 9.

Additionally, Applicant argues: Klatt does not disclose: displaying the sum of the total revenue for each product category. In response, Klatt teaches displaying the sum of the total revenue for each product category as the product order is added to the database and display at user interface at col. 11, lines 15-47.

Regarding claim 6, applicant argues, Klatt does not teach the claimed subject matter. In response, Klatt clearly disclose: wherein the first user-defined message is "call for availability" as user selects at 901, 902, 903, 904, 905 and 905 at fig. 9 and waiting for the product and the second user-defined message is "ready for immediate shipment" as 907 and 908 fig. 9.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


#### **8. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Cindy Nguyen  
February 27, 2003

  
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